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Chair

Ms. Julie Dabrusin

Standing Committee on Canadian Heritage

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● (0845)

[*Translation*]

The Chair (Ms. Julie Dabrusin (Toronto—Danforth, Lib.)): Welcome to the 112th meeting of the Standing Committee on Canadian Heritage.

We are continuing our study on remuneration models for artists and creative industries.

[*English*]

We have four sets of witnesses with us today.

[*Translation*]

Joining us by videoconference are Luc Fortin and Éric Lefebvre from the Guilde des musiciens et des musiciennes du Québec.

[*English*]

We have with us here the Canadian Music Publishers Association with Margaret McGuffin and Vince Degiorgio.

[*Translation*]

We also have Jérôme Payette from the Association des professionnels de l'édition musicale and Marie-Josée Dupré from the Société professionnelle des auteurs et des compositeurs du Québec.

We are going to start with the representatives from the Guilde des musiciens et des musiciennes du Québec.

Gentlemen, the floor is yours.

Mr. Luc Fortin (President, Guilde des musiciens et des musiciennes du Québec): Good morning.

My name is Luc Fortin and I am the president of the Guilde des musiciens et des musiciennes du Québec. I am joined by Éric Lefebvre, the secretary-treasurer of our association.

We are pleased to appear before you this morning to share our comments on the remuneration models for the work of the musicians we are representing.

First and foremost, it's important to say a few words about our association.

The Guilde des musiciens et des musiciennes du Québec is an artists' association that brings together instrumentalists, conductors and musicians who perform certain related functions. It is affiliated with the American Federation of Musicians, as Local 406, and has over 3,200 members. Our association is also affiliated with the Fédération des travailleurs et travailleuses du Québec.

Finally, the Guilde is legally recognized under federal and Quebec legislation on the status of the artist to represent all professional musicians in Quebec, while acting collectively on behalf of musicians, when it considers that their interests are affected.

We understand that the Standing Committee on Canadian Heritage must look at the remuneration models for artists in the context of copyright. It is important to note that the designation of the performers' performances as a copyright category is relatively new. Actually, since September 1, 1997, the Copyright Act provides for certain rights that performers can exercise over their performances. Those rights were improved in November 2012, when new exclusive sound recording rights were introduced.

To that end, we know that the Copyright Act provides for two categories of rights for performers. First, there are the so-called exclusive rights, which mainly deal with the fixation, reproduction, distribution and the making available of the artist's performance in certain situations. Second, there are two rights to remuneration, one for the public communication of marketed sound recordings, also known as equitable remuneration, managed by the music licensing company Re:Sound, and the other for private copying, managed by the Canadian Private Copying Collective.

Of all those rights, the equitable remuneration is still now the most significant, having given rise to several Re:Sound tariffs certified by the Copyright Board of Canada.

It should be noted that, in addition to the royalties paid by collective societies, the Guilde negotiates remuneration for the use of musicians' recorded performances under its collective agreements, mainly in audiovisual productions, with producers and broadcasters such as Radio-Canada or Télé-Québec.

The royalties for performers under collective agreements have been negotiated for several decades. The 1997 and 2012 amendments to the Copyright Act changed part of the legal framework, but our concerns have not subsided.

What are the concerns? It's simple: musicians are getting poorer every year. We see that the new rights granted to performers do not improve their remuneration. Either the structural changes of the music industry initiated by Google, Amazon, and Facebook, among others, are ensuring that the middle class of musicians has now become a class of poor artists, leaving a few ultra-rich artists and producers with 95% of the revenues generated by the industry, or the new rights that benefit performers still have no impact because of legislative provisions or regulations being passed that have the opposite effect.

As an example, what is the use of the right to remuneration for private copying of sound recordings if the plan applies only to blank CDs, which no one uses for reproduction any more?

● (0850)

The Supreme Court has already indicated that the legislation is technologically neutral. Why is there a double standard when it comes to regulatory amendments to benefit artists and creators? It is important to ensure that all reproduction media, such as SIM cards, USB sticks or hard drives, are covered.

Similarly, in 2012, new exclusive making available and distribution rights for performers were introduced to enable the enforcement of the rights on the Internet and on existing media, such as CDs. One wonders what those rights are for, if the money from streaming remains at subsistence level and the responsibility of Internet service providers is still not recognized because of their intermediary status.

Finally, what is the point of the new exclusive distribution rights if the main source of music listening is now streaming, as confirmed by the survey on online consumption of copyrighted content, commissioned by the Canadian government in 2017? In fact, in the three months leading up to the November 2017 survey, 11.2 million Internet users streamed music online. Clearly, this reality has an impact on the sale of sound recordings, both in the form of CDs and online downloads. It is important to obtain compensation from Internet service providers, which are taking unfair advantage of the situation.

Furthermore, when collective agreements are negotiated, we are affected by the web giants, who now dictate the rules. Take, for example, a television program: broadcasters now impose additional unpaid uses on producers because of the decline in revenue associated with online services. In turn, producers demand unpaid uses from artists because of pressure from broadcasters. As a result, artists' earnings decline.

We can look at the various remuneration models based on a number of parameters—we would be pleased to share them with you—either because they were presented to the Copyright Board of Canada or because collective agreements already incorporate certain models. For us, the best applicable model is based on copyright law drafted simply to be effective and to allow rights holders to obtain reasonable remuneration for the use of their works and performances.

Mechanisms must also be put in place to rebalance the forces at play, while no longer using legislation to weaken the rights of rights holders through case law that puts the rights of users and creators on equal footing, as in the case of literary works, or that allows an industry to continue to decline, as in the case of music.

We recommend three possible solutions: amend the Copyright Act so that private copying levy applies to all media used to reproduce a recording; amend the Copyright Act so that the private copying levy applies to all reproduction devices and sound recordings; and finally, make Internet service providers liable by eliminating the exemption they enjoy under section 31.1 of the Copyright Act.

In fact, this has become complicated because of the amendments made to the legislation over the past several years, diluting the effectiveness of those rights. Too many exceptions are now in effect.

We are now ready to answer any questions you may have.

● (0855)

The Chair: Okay. Thank you very much.

[*English*]

We will now go to the Canadian Music Publishers Association.

Ms. Margaret McGuffin (Executive Director, Canadian Music Publishers Association): Thank you for this opportunity to be here today.

I'm here with Vince Degiorgio. He is the chair of the Canadian Music Publishers Association and owner of CYMBA Music Publishing. Vince, as you will hear, is a music publisher and he is a songwriter. His voice adds much to this discussion.

While some musicians record their own songs, there are many who do not. Instead, they either co-write their tracks with songwriters or perform songs written by other songwriters. Additionally, there are many composers who create the soundtracks of your favourite movies and television shows. They do not have celebrity names but are part of a very important creative economy in Canada.

Canadian Music Publishers Association represents music publishers of all sizes, although most of our members are small or medium-sized businesses like Vince's. These companies all represent and invest in thousands of Canadian songs, songwriters, and composers who are heard daily on the radio, on streaming services, in video games, and in film and television productions around the world.

A music publisher is a partner in the creative process. Music publishers are innovators, and their strong export strategies have allowed these entrepreneurs to compete internationally, with two-thirds of their revenues now coming from foreign sources. Simply put, we can't count on one market alone to be successful.

Music publishing is about championing a songwriter and a song through the lifetime of their career and a song's copyright. Our members take a long-term perspective and work a lot behind the scenes to create value. The most valuable songs can be covered over and over again and continue to be heard in audio-visual productions long after the first recording.

For example, Neville Quinlan of PeerMusic is a music publisher member with both a large foreign catalogue and a Canadian one that includes the songs of The Tragically Hip and Royal Wood. A number of Peer's titles will come into public domain soon because of Canada's copyright legislation not being in line with international standards. Several songs in Peer's catalogues are classics, which are licensed in movies, television shows, or commercial advertisements. These are known as syncs. Day to day these songs may not generate much money. However, holding onto that copyright over an extra 20 years can translate into thousands of dollars if a good deal is in place. One or two songs in a catalogue can make a huge difference to the viability of a music publisher. The strongest and most stable publishers are those who own a balanced portfolio of songs including proven older catalogues and newer creations. The revenues from those tried-and-true songs allow a music publisher to take a risk, to invest in an emerging songwriter. Neville just signed a publishing deal with the members of the Jerry Cans and has already found them sync placements.

For this reason we ask you to extend the term of copyright in works to the life of the author plus 70 years, consistent with the international standards and consistent with our major trading partners.

I would also like to address the value gap that is the result of safe harbour laws and exceptions. It is important that Parliament not introduce new exceptions that play havoc with the lives of creators and small business. We also ask that you re-examine the exceptions that were introduced in 2012 and amend the section on network services to address the value gap by treating Internet intermediaries as more than dumb pipes and making them liable for infringing activities in certain circumstances.

Additionally, if the music publishing sector is to thrive, the private copying regime should be technologically neutral. Meanwhile the digital marketplace has remained anything but stagnant over the last few years. Improving the efficiency of the Copyright Board's processes and timelines and predictability of its decisions through a combination of legislated and regulatory changes is essential. We know that work has started on this and appreciate that this has been prioritized.

The word "transparency" has already surfaced many times in this hearing. I am proud to live in Canada where the collective societies that work for music publishers, composers, and songwriters are some of the best in the world. They deal in the world of micropayments and report back to their stakeholders in a transparent and efficient manner. Our collectives and music publisher members continue to invest millions of dollars in metadata and in technology. We have also heard in the past two weeks about the need for more education. We agree. As a trade organization, we have partnered with WorkInCulture to look at skill gaps in the industry and look at rolling out training programs to new employees at music publishing companies and to others in the industry, such as managers and labels who may need to learn more about how to monetize their copyrights on a global basis.

● (0900)

We look forward to the opportunity to discuss these proposals and other potential solutions with government representatives through the review process.

Mr. Vince Degiorgio (Chair, Board of Directors, Canadian Music Publishers Association): Thank you, Margaret.

Thank you, committee members, for conducting this review.

As Margaret mentioned, I serve on the Canadian Music Publishers Association board of directors. I'm also the founder and president of CYMBA Music Publishing. I am a music publisher and I am also a songwriter, but you have never—probably—heard of me until today. I write lyrics and create melodies, and others perform my songs. I never tour, and I definitely cannot make any money on T-shirts.

Voices: Oh, oh!

Mr. Vince Degiorgio: My lyrics have been recorded in 13 different languages in over 20 countries around the world, with sales of my creations exceeding 30 million units in many different countries. One of my biggest successes was writing the lyrics, creating the melodies, and doing voice-overs for the debut record of an artist named Caro Emerald. That album, *Deleted Scenes from the Cutting Room Floor*, was number one in the Netherlands for eight months, and broke the record set by Michael Jackson's *Thriller*. The follow-up debuted at number one in the U.K. and in the Netherlands. Two weeks ago, I travelled to the Netherlands to co-write Caro's third album, which she will be releasing this year.

I have travelled around the world 16 times, stopping in various locations to write songs for anybody and with anybody. A typical writing day is rarely typical, starting by meeting someone who's been recommended by a music publisher or a network connection. After a five-minute chat, an idea is usually presented to me, or we begin to talk about a subject to write about. In my world, the artist, who we set out to impress, may be so, because they are not involved in the writing session itself. My collaborators and I dive into the process with an individual or group to tailor a song, as it is written with them in mind. This is often referred to as a "lead".

Once the song is written, we discuss the post-production process of getting the right vocalists, adding additional instruments, and doing final touches in order to have the best possible presentation of our work. The work does not end there, in any case. It simply begins. I take off my songwriter hat, put on my publisher hat, and begin to pitch or exploit the creation and distribute it to our global network for consideration.

Some say a music publisher is a manager of songs. Others say a publisher is to breathe new life into existing songs, or to create that work in different avenues for placement, also in international markets. Either way, the songs that my writers and I write are, in my mind as a publisher, timeless, and it is my personal mission to make sure they remain vital within our catalogue.

As a publisher, I now work with a roster of writers to share my experiences. They include multiple award winner Dennis Ellsworth, Nova Scotia's rising star Reeny Smith, and Alberta's Talltale and multiple Juno award winner Keshia Chanté. Vancouver's Davor Vulama has been writing songs and scoring films and TV shows for the past 18 years with CYMBA. In the months ahead, we will introduce a new wave of signings as we enter our 25th year.

My music publisher colleagues and I invest in thousands of Canadian songs and songwriters heard daily on the radio, on streaming services, in video games, and in film and television productions around the world. We pay for artist development through creativity on a number of levels, and nurture our writers in order for them to learn that their market is the entire globe and not simply their own backyard at home. I've always referred to my fellow publishers as the spine of the music industry—

The Chair: Mr. Degiorgio, I'm going to jump in here. You're already over your time.

If you have one quick wrap-up, you might be able to bring out the rest in the question and answer period.

Mr. Vince Degiorgio: Strong copyright protection promotes the underlying purposes of copyright law and provides tangible economic benefits by increasing the resources available to music publishers—like me—to invest in the new creation of new Canadian songs and Canadian songwriters. I know this first-hand, not only as a publisher but also as a writer.

● (0905)

The Chair: Thank you very much.

[*Translation*]

I will now give the floor to Jérôme Payette from the Association des professionnels de l'édition musicale.

Mr. Jérôme Payette (Executive Director, Association des professionnels de l'édition musicale): Good morning, Madam Chair and members of the committee.

First of all, I would like to thank you for inviting me to appear before you today.

The Copyright Act is a major source of revenue for the Canadian cultural sector. Right now, many stakeholders benefit from the value generated by culture, but artists and creators benefit too little. I believe that this review of the Copyright Act is an opportunity to correct the situation.

I will first tell you a little about the Association des professionnels de l'édition musicale (APEM) and what our publishers do, before highlighting a few important points related to the Copyright Act that are of fundamental importance for the remuneration of artists and creators.

The Association des professionnels de l'édition musicale represents Quebec and francophone music publishers in Canada. Our members are in charge of 830 publishing houses with approximately 400,000 musical works. Music publishers are partners with songwriters and help create, promote and manage works. As professionals in copyright management and creators' career development, publishers are more or less agents for songwriters and their works. Typically, a publishing house works with several songwriters to create new works and presents catalogues of existing musical works.

I will move on to the various points about the Copyright Act.

I would first like to point out that the APEM is a member of the Canadian Music Policy Coalition, which has produced a 34-page document detailing amendments to the Copyright Act. Basically, the entire music industry has signed the document. I'm sure you have a copy; if not, I'd be happy to provide you with one. I think it's extraordinary that the entire music industry supports the same document for the revision of the Copyright Act. The APEM has nevertheless zeroed in on few points to discuss with you this morning.

First, the provisions on network services must be amended in order to make Internet service providers accountable and to obtain royalty payments. Internet service providers derive significant profits from the use of copyrighted content. Bandwidth is used to access content, which gives them significant profits, while telecommunications companies made earnings before interest, taxes, depreciation and amortization (EBITDA), of 39.8% in 2015, which is a lot. According to the CRTC, those companies do not pay royalties under the exception set out in section 31.1 of the Copyright Act. This exception should be amended to require Internet service providers to obtain licences from rights holders. In addition, Internet intermediaries must not be considered as mere channels of transmission, but should, under certain circumstances, be liable for copyright infringements.

Second, the private copying regime needs to become technologically neutral. A private copying levy is now collected on blank CDs in order to compensate rights holders for music copies made for the personal use of Canadians. Of course, blank CDs are becoming increasingly obsolete, but the act is preventing the private copying regime from evolving with technology. Current revenues from the private copying levy given to music creators have decreased by 89%, from $38 million in 2004 to $3 million in 2016. That's a steep drop.

It is important to take advantage of the current review of the Copyright Act to make the private copying regime technologically neutral, thereby making levies payable on audio recording media. Many countries, including Germany, Austria, Belgium, Croatia, France, Hungary, Italy, Portugal, Switzerland and the Netherlands, have adopted private copying regimes that apply levies on a wide variety of audio recording media and devices, including tablets and smartphones. It would be up to the Copyright Board of Canada to set the value of those tariffs. For example, in Europe, the private copying levy on smartphones averages $2.80.

This levy would be payable by the manufacturers and importers of the devices. There is every indication that those costs would not be passed on to the consumer, first, because more and more Canadians are not purchasing their devices but renting them on a monthly basis, and second, because device prices are set according to marketing criteria. It would be quite surprising to see the price of the iPhone X go up from $1,350 to $1,353 if a $3 private copying levy is introduced. Furthermore, European research comparing the prices of devices on an international scale has revealed that they do not depend on private copying levies. Clearly, music benefits the companies selling those devices tremendously, and they have the means to pay a royalty to the rights holders who contribute to their enrichment.

Third, the term of copyright protection must be extended to 70 years after the author's death. The term of copyright protection in Canada is the life of the author plus 50 years, whereas in the vast majority of OECD countries, it is plus 70 years.

● (0910)

In 1993, a European Union directive recommending that terms of protection be extended underlined the fact that the minimum length of protection provided for in the Berne Convention on Literary and Artistic Works aimed at offering protection to creators and to the first two generations after them. As it is, the average life expectancy in the European Union has increased to the point where the length of protection does not suffice to cover two generations. I believe that it is also the case in Canada in 2018.

As far as exports are concerned, Canadian rights-holders are at a disadvantage since their works are subject to a lesser international protection because of our Copyright Act. Canadian legislation should not hinder the promotion of our creators' works internationally. For music publishers, extending the length of protection to 70 years after the author's death means an increase in revenue, which would be reinvested in the career development of Canadian songwriters and composers, for instance.

Fourth, we must specify and eliminate exceptions. The number and nature of exceptions in the Copyright Act deprive rights-holders of substantial revenue that they should normally receive. Since I don't have time to address every single exception this morning, I'd invite you to refer to the document of the coalition for a Canadian music policy, which covers each of these exceptions in details.

Fifth, a functional Copyright Board would be crucial. I know very well that a review of the Board is underway, but I would simply like to underline the importance of its reform. The Copyright Board plays an essential role in the enforcement of the law. The time it presently takes to render decisions is not in keeping with today's environment. Uncertainty surrounding the value of copyright can be detrimental to publishers, to writers-composers, and to the music industry as a whole. For instance, we must allow collectives to agree directly with music users. In order to encourage remuneration for artists and creators, I would ask you to please move along quickly with the Copyright Board's reform. It's essential.

Sixth, we must work to improve system-wide coherence. In Canada, cultural industries have managed to develop with the help of an array of financial, legislative, and regulatory measures. The philosophy underlying these measures that promote our culture must not be threatened by technological changes. Today, the CRTC will publish a long-awaited report. Granted, it does not concern the Copyright Act directly, but it certainly touches upon remuneration for artists and creators. The CRTC exemption order targeting new media must end without delay. We need not wait until the review of the Broadcasting Act and of the Telecommunications Act, which can be done in parallel. The governor-in-council has the authority to issue a direction order to ask the CRTC to lift the exemption targeting new media. It's high time that these companies also took part in the continued growth of our culture.

Thank you. I'm ready to answer your questions.

The Chair: Thank you very much.

We will now hear from Ms. Marie-Josée Dupré, from the Société professionnelle des auteurs et des compositeurs du Québec.

Ms. Marie-Josée Dupré (Executive Director, Société professionnelle des auteurs et des compositeurs du Québec): Thank you, Madam Chair.

Madam Chair and Committee members, on behalf of music creators, we thank you for giving us the opportunity to take part in your study of remuneration models for artists and creative industries in the context of the Copyright Act review.

Since my colleagues and myself see eye to eye on many things, but not in all cases, there could be some overlap.

My name is Marie-Josée Dupré. I'm the Executive Director of the Société professionnelle des auteurs et des compositeurs du Québec, better known as SPACQ. Our organization was created 37 years ago to promote, to protect and to develop in every way possible the economic, social, and professional interests of our members, that is, songwriters and composers.

We wish to express our concerns and to highlight the situation of creators who, very often, work behind the scenes and are not necessarily well known headline performers, although there are more and more of them performing to broaden their horizons and to increase their possibilities of earning a living with their art.

Culture plays an important role in the Canadian economy, but do all players benefit from it? Here are the elements that we deem essential to a better remuneration for creators.

I will first talk about digital delivery. The royalties collected by creators are meagre, and for most of them, current remuneration is entirely inadequate. In the physical world, whether we listen to a record once or 100 times, creators get paid by song and by album. In the digital world, their work must have been played to a certain extent for them to be able to enjoy a minimal income one day.

Pierre Lapointe and David Bussières, two of our members, testified before the Standing Committee on Industry, Science and Technology on the 8th of May. In that context, they recounted that their revenues from digital delivery were simply derisory. Pierre Lapointe said that he had gotten $500 after his songs had been played a million times. David Bussières added that after generating 60 000 views on YouTube, his group had received $151.

At the moment, the great actors in the telecommunications sector are in no way responsible for all the digital delivery from their networks. We think it unlikely that they don't know what goes through their networks. They use music and other cultural products as a call to consumers. As a matter of fact, the monthly fees paid for the access service are significant, but there is no direct return for creators. Internet access providers know full well the use of their bandwidth. Besides, they wouldn't spend their time investing millions of dollars to increase their clients' listening capacity online if it were not the case — they certainly don't do it so people can access Wikipedia. As such, legal consumption doesn't translate into adequate remuneration for creators.

The legislator is responsible for taking the necessary measures to ensure that creators are adequately compensated for all uses of their work. If creators benefit from digital delivery, conversely, users benefit from countless amounts of creative content. A fair and equitable remuneration is essential to the survival of creativity.

The private copying regime was established in 1997. It allows Canadian users to reproduce the musical content of their choice while ensuring that they get compensated for this use. While this regime resulted in boom years revenue-wise, the much appreciated and most popular technological support at that time, the blank CD, has almost disappeared over the years, along with an important revenue source for creators. The current regime, which was meant to recognize a technological neutrality principle, was unfortunately limited to a support whose use has now fallen into disuse, disregarding all technological advances with respect to supports, like phones and tablets, which led to its obsolescence.

It is imperative that we address this situation by ensuring we have an open-ended list of supports, which includes all existing and future supports. Moreover, it's interesting to see that the businesses with which creators interact, our partners, include in the wording of their contracts the capacity to broadcast and to reproduce works by any existing or future means, but that the legislator himself curbs the remuneration of creators by establishing a regime that doesn't keep up with technological developments.

As for the Copyright Board reform, it is essential to come to a streamlining of the procedures and to faster decisions to make it possible for creators to receive an adjusted or increased remuneration for each situation under review and, at the same time, to allow users to know what to expect in a reasonable amount of time. In addition to being a major irritant for users, waiting several years for decisions to be made doesn't allow for effective enforcement by collectives. Additionally, these long wait times can make it so that the uses on which fees are based and issues related to them are no longer the same given the speed with which technologies develop.

● (0915)

Government must ensure that mechanisms are implemented in order to accelerate the Board's decision-making processes.

As for the duration of copyright, as we told you earlier, many countries in the world have already opted for a period of 70 years after the death of the writer. Yet, it is still 50 years in Canada. We must admit that this difference puts our creators at a disadvantage compared to creators from our main trading partners. Countries that have increased the duration of copyright thus underline the importance and value of the work of creators. It is what their cultural identity is all about and it constitutes an important part of their economy. Canada must follow in its partners' footsteps to show that it is willing to give better recognition to creation and, at the same time, to demonstrate reciprocity with foreign creators.

My colleague Margaret McGuffin talked about one aspect of transparency. I will talk about a different aspect, that Ms. Nathalie Théberge brought up when she last testified before your committee. She highlighted the importance of educating creators regarding copyright, contracts, and their implications. Of course, I find this issue interesting. I've had to check over 300 contracts since taking up my position. New artists are more and more interested in the contractual aspect of their career. They want to understand financial obligations and implications. For an artist, entrepreneurial spirit is not a given. Our role, which is crucial, is to guide them and to help them understand how the financial aspect will one day impact their career. If certain shares might seem fair and equitable, the possibility to earn a living as a creator is better for a business because it represents several artists. Indeed, the creator has nothing but his or her own repertoire.

If the value of musical works consumed and used doesn't reflect a fair remuneration, it's culture in general that loses out. Creators are at the heart of culture. Without them, no content would be possible. The legislator must show its willingness to encourage it, to recognize it, and to showcase it.

We must ensure that royalties related to digital delivery reflect the magnitude of cultural consumption; that access providers be asked to contribute to remuneration and compensation mechanisms; that the private copying regime be upgraded so that technological supports include those that exist and those that will be discovered; that we have a Copyright Board that is strong, well structured, and capable of making the best decisions faster and in everyone's interest; that the duration of copyright be raised to 70 years to allow us to be more competitive in relation to our partners; and that creators be supported in the business world so that they can gradually learn to deal with it as artist entrepreneurs.

Thank you for listening to me.

● (0920)

The Chair: Thank you.

We will now begin our question period with Mr. Hébert.

Mr. Hébert, you have seven minutes.

Mr. Richard Hébert (Lac-Saint-Jean, Lib.): Thank you very much, Madam Chair.

I thank the witnesses for having given us more information about the tricky issue of remuneration and copyright.

My question is for Mr. Fortin from the Guilde des musiciens et des musiciennes du Québec.

We've observed that you had had a lot of challenges to overcome in the last five years.

On the matter of the remuneration for artists, I would like know what difficulties have particularly impacted you, in Quebec, in the last five years.

Mr. Luc Fortin: In the last five years, the situation has evolved extremely fast. We're in a completely different universe. I'm thinking of the disappearance of the CD or of the physical album. That's what's happening at full speed. The drop in CD sales is not offset by the revenue from music played online or downloaded onto physical supports. In fact, the physical support is replaced by music you listen to live on demand or through playlists, virtual radio stations, and so on.

As a result, an artist no longer has the same possibilities today. I will give you an example from when there were albums.

In the past, there was a type of ecosystem surrounding the physical album. An artist would go on tour, and when he arrived in a town, the local record store had already announced his arrival a week before. Posters were placed in the store windows to announce a discount valid for a week on an album, for instance $15 instead of $17.95. There was a promotion. Radio stations would receive copies of the new album. As it is, all of this is in the process of completely falling apart because now, the work is virtual. It can be purchased on Spotify and on Apple Music at all times. We can't decide to release an album on Spotify on a given day and to plan a tour. It doesn't work like that anymore.

Nowadays, the revenues from Spotify are so meagre and low that artists can no longer hope to make a living with the broadcasting of their works. It's no longer possible. Writers are not the only ones suffering huge losses of rights, the same goes for performers. We spoke of the equitable compensation regime. It's interesting when works are broadcast a lot on the radio, but when they're played on Spotify and on Apple Music, artists receive next to nothing.

To add to the problem, if an artist records a physical album— they still exist and they're still published —and he wants to pursue his career, he must also allow it to be offered on online broadcasting services like Spotify. The person who listens to his album can download all the songs on his phone, listen to them when he pleases, for instance on a trip, but the artist will receive nothing. No royalty is paid for this reproduction.

One of the main consequences of this evolution is the disappearance of the traditional model.

Mr. Richard Hébert: Mr. Fortin, in the past few years, we have borne witness to the return of vinyl records, but I know this won't suffice to offset the loss of revenue.

Mr. Luc Fortin: No. It's a rather limited fashion that is already starting to lose momentum, in fact.

● (0925)

Mr. Richard Hébert: I thought that it was possible for vinyl records to make a come-back, but I don't believe it anymore.

Mr. Luc Fortin: I don't believe it either.

Mr. Richard Hébert: Thank you, Mr. Fortin.

My next question is for Mr. Payette from the Association des professionnels de l'édition musicale.

As you pointed out in your remarks, the situation has evolved very quickly in the past five years. The Committee is very interested in remuneration for artists and wishes it to be fair.

What are the new challenges you've been facing in the past five years? How does your organization ensure that artists are compensated equitably for their work?

Mr. Jérôme Payette: Things have evolved a lot in recent years. Anywhere there is music, you will find publishers. They have diversified their sources of income a lot in the audiovisual area. Anywhere there is music, you will find them managing it and earning a profit from it. Music has never been seen in terms of value so much as it is now. They take the same pieces and publishers do a lot of work on them. One of the problems is that, in order to be paid, we have to have our music played.

That is why I talked about the CRTC a little earlier this morning. Currently, our music is being played very little, if at all, on online music services, particularly francophone music. So it seems critical to me to remove the exemption on new media broadcasting companies in order to let the CRTC do its job and in order for those companies to be part of a model that has been successful all over the world. Quotas on the radio were imitated by France, Australia, Ireland, the Netherlands, Nigeria, the Philippines, Portugal, South Africa, Catalunya, Ukraine, Canada and Venezuela. Canada started it, in fact, and I feel that we should continue with that interventionist philosophy.

Recently, Australia has asked for minimum recommended requirements for Australian content on music services in Australia. It is possible to do that, and we are not the only ones asking for it. Having our music played is what will allow us to do our thing, first, because we will be paid directly and second, because it will have an effect on our concerts, our popularity and a number of our activities. It is our gateway to having a value. If no one listens to your music, you will have no career and you will never be paid. It's as simple as that.

The Chair: You have a little less than a minute left, Mr. Hébert.

Mr. Richard Hébert: I have a quick question for the people from the Canadian Music Publishers Association.

Ms. McGuffin, Mr. Degiorgio, can you provide the committee with any recommendations on reforming copyright? It is quite a broad question, but do you have any suggestions for our committee as we look for the right way to provide fair and equitable compensation?

[*English*]

Mr. Vince Degiorgio: I'd like to defer this to Ms. McGuffin.

Ms. Margaret McGuffin: My first would be a warning on exceptions. Exceptions sound very harmless when they are pitched as small solutions, but they have played havoc in the last five years when combined with an ineffectual copyright board. Money is being held back from creators while we wait for decisions that then come out and are no longer technically relevant. Just be careful about exceptions.

The Chair: Thank you.

We are now going to Mr. Van Loan for seven minutes.

Hon. Peter Van Loan (York—Simcoe, CPC): Is it correct that all of you are associations and none of you are collectives that actually collect royalties?

A voice: Correct.

Hon. Peter Van Loan: I wanted to be clear on that.

To the Canadian Music Publishers Association, we have heard here that there are basically two baskets of royalties. There's a performer royalty and an author or composer royalty. Where do you guys fit into that as the music publishers? Who are publishers?

Ms. Margaret McGuffin: Music publishers have a contractual relationship with composers and songwriters. They assume a share of the copyright only after entering into a contract with a composer, a lyricist, or a songwriter.

Hon. Peter Van Loan: Your members, if you will, get their revenue out of the author basket, not the performer basket.

Ms. Margaret McGuffin: Yes. That is correct.

Hon. Peter Van Loan: That's only pursuant to a contractual agreement.

Ms. Margaret McGuffin: Yes.

Hon. Peter Van Loan: For example, would SOCAN send the money to you or to the composer?

Ms. Margaret McGuffin: They send to both, based on the contractual arrangement, but they have a minimum of a fifty-fifty split.

Hon. Peter Van Loan: Explain what you mean by the minimum fifty-fifty split.

Ms. Margaret McGuffin: At a maximum, the publisher can only get 50% of what is collected. The songwriter will get 50%. In many cases, especially in English Canada, the contracts are such that the songwriter is getting that 50% plus some of the publishing money.

● (0930)

Hon. Peter Van Loan: Does that minimum fifty-fifty split come from their practices or your practices? Is it legislated? Did the Copyright Board come up with it? Does it have status? Where does it come from?

Ms. Margaret McGuffin: It is based on their distribution rules, which are based on international standards.

Hon. Peter Van Loan: Does anybody dispute them? Are there any places where people have been able to contract out of them or have done so?

Ms. Margaret McGuffin: I'm not aware of any.

Hon. Peter Van Loan: Okay.

You've asked for a couple of things. If you were to look at one issue in front of us that we're potentially dealing with in which you want to see change, what would be that single most important issue?

Ms. Margaret McGuffin: The single most important issue before the election is Copyright Board reform.

Hon. Peter Van Loan: When you say "Copyright Board reform", what does that mean? Many people have told me there are problems with the Copyright Board, and it's always harder to find out specifically what you would change in terms of reform to solve those problems.

Ms. Margaret McGuffin: There was a consultation last September, which the innovation department ran. There were 60 submissions, which had suggestions that were quite harmonized across the user side and the payee side. I think you can turn to those submissions. You will find that some of them are around case management. In the recent IP strategy, there has been some dedication of funds to case management. There have been suggestions for some minor reforms to the act too. I don't have the details on that, but I can provide them if you would like.

Hon. Peter Van Loan: Thank you. I think that would be helpful, because that's still ongoing. Also, you're absolutely right. It is one of the things I hear about most of all, although often it seems like the solutions to the problem have as much to do with the people as they have to do with any changes of rules or even changes of funding.

In terms of things one might change in the actual act, since what we're dealing with is technically a review of the Copyright Act, what would be the single biggest change you would want to see in terms of the statute?

Ms. Margaret McGuffin: We would like to see term extension.

Hon. Peter Van Loan: There's a clear pattern out there on term extension. There seems to be some reluctance to move it forward because it's linked to a lot of international trade negotiations, and it seems to be something that our trade partners are asking for. There's a similar concern that by simply legislating it we're engaging in a kind of unilateral disarmament, and that will hurt us in trade negotiations in other sectors of the economy. What's your answer to that?

Ms. Margaret McGuffin: I think they're interrelated, but we are behind all of our major trading partners except Japan, and Japan is moving to harmonize with the other trading partners.

Hon. Peter Van Loan: I'll ask this to the other witnesses.

If there was a single legislative change or a single most important legislative ask in terms of the act, what would it be for each of you?

Mr. Vince Degiorgio: I believe on our end it's also term extension, only because a country like Mexico is at 100 years and we are still at 50.

Hon. Peter Van Loan: It's life plus 50, right?

Mr. Vince Degiorgio: Yes.

Ms. Marie-Josée Dupré: Term extension is definitely one of the major issues. As Margaret mentioned, in dealings with our international partners, our creators are at a disadvantage compared to those countries, with those foreign composers and authors. That would be one of the main issues.

Mr. Jérôme Payette: I would say term extension and private copying.

Hon. Peter Van Loan: Private copying means what?

Mr. Jérôme Payette: I mean a levy on devices for reproduction.

Hon. Peter Van Loan: That's what someone called an iPod tax or something like that, right?

Mr. Jérôme Payette: It's not a tax but a levy.

Hon. Peter Van Loan: You're not going to get very far trying to persuade me that levies aren't taxes. I can tell you that, to consumers, they're the same thing.

For our folks on the....

[*Translation*]

Mr. Luc Fortin: We would pick up on the last two points. In fact, we are also talking about revising section 31.1 of the Copyright Act and making Internet service providers accountable by eliminating the exemption they benefit from.

I also come back to the royalties for private copying, which must be extended to all media, because the legislation must be technologically neutral. There is no reason for a medium to be exempted from compensating rights holders, no reason at all. It's not a tax, it's a payment for copyright, and they are not the same.

Voices: Ah, ah!

● (0935)

The Chair: We now move to Mr. Nantel; he has seven minutes.

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Now I am really grumpy this morning.

Once again, we have been witness to the incredible cynicism of the Conservatives who are comparing royalties to taxes. They invented the "Netflix tax" and it ended up as harassment. I am in exactly the same place as the people here representing creators, and who feel that they are talking to a brick wall.

I appreciate your comments about what can be done, your suggestion is to go through the copyright board, and what do you want them to do? They deal with the nitty-gritty, and that is what is needed.

That said, in 2012, the practical side of the Conservatives meant that, when the review was done in 2012, specific committees were formed to look after it, Honestly, personally, I am starting to see things clearly today.

Mrs. Dupré tells us that Mr. Bussières and Mr. Lapointe, two singer-songwriter-composers, came to relate their financial losses to the new model of managing music, to the great benefit of consumers. What a great thing that is, dear Lord! Is that all there is to life, paying as little as possible, especially on the backs of musicians and composers? As I see it, we pay for our sliced bread and we also pay for electricity. Heaven knows, in Ontario, we pay enough for that.

So, in 2012, the Conservatives used a "practical" approach to revise copyright using specific committees. There were specific advisers, I remember that each party had special advisers. In addition to our own assistants, we had experts. At the moment, I see that the Liberals are no better. What they have done is divide the review of the Copyright Act into two parts, one of which is being studied by the Standing Committee on Industry, Science and Technology. We have absolutely no idea about who is studying what.

Mr. Bussières went before that committee with Mr. Lapointe to talk about copyright and to indicate that they get nothing from what is being used on streaming platforms. How is it that our committee did not invite them? Don't think that I am jealous that they went before the Standing Committee on Industry, Science and Technology. It is as if we want to make sure that we understand nothing. I have often said that, even for me, someone who knows the business well, revising copyright is as dry as dust, like having your mouth full of sand. On top of that, we have made sure that we understand nothing and have even less of a cohesive vision.

That explains my rant this morning: it all seems so astonishing to me, and I am sure that you are all going to leave here saying that we are not out of the woods.

Mr. Payette, you are right to talk about the CRTC announcement, which is a determining factor, and I invite all who are committed to the broadcasting of Canadian content to look at what is happening this morning and to watch the government's reaction to it. A key will be what the CRTC says today about the discoverability of our material, of our Canadian and Quebec content, on all platforms, and in all electronic disciplines.

So I would like to understand what you are alluding to. Mr. Payette, you mentioned the importance of what is gong to happen at the CRTC this morning. You brought up—

Sincerely, perhaps I will not do it today, but I am going to continue to question the process the government chose to examine the Copyright Act. I see today that they are dividing in order to conquer and that a study is being broken up so that no overview is possible. Clearly, Madam Chair, I am not looking at because I know your good faith. But I feel that some little, highly-placed Machiavellis have decided to speed the process up and to slash it into pieces so that no one understands any of it. There you go.

Mr. Payette, let me ask you if it is possible for you, whenever you can, to clearly indicate what you are alluding to when you talk about authors' royalties that should be supported and paid for by Internet service providers. I have no doubt of the good faith of each and every person here, even the Parliamentary secretaries. But actually, for everyone here, this is where we are. The government is going to decide what it wants, the committee will try to get out of it with no clear vision and I am convinced that three-quarters of the people here are drowning in content and information.

So I am going to ask you for one thing. I know that, next Tuesday, there is a major meeting of the Coalition pour la culture et les médias in order to react to the CRTC announcement. Talk it over amongst yourselves; let me invite you to send something like "Copyright for Dummies" to everyone in the government and everyone on this committee. Send us simple examples. Tell us which part of the act presents which problem, because previously, it was like this, and now it is like that.

I have asked the departments of Canadian Heritage and Industry Canada to send us a list of the complex issues they want to resolve. We have been told that they are going to do that. I have received nothing yet; I am still waiting. But it is their job to do it, they have to send it to us. I asked them to look for solutions overseas, to see how things work in other countries. That seemed more complicated. If you talk to the officials that you are in regular contact with, insist that they help us to understand the issue because, at the moment, the government's strategy is to make sure that no one understands anything.

● (0940)

Mr. Payette and Mr. Fortin, do you want to tell us about the items that, in your opinion, are matters for litigation between Internet service providers and the rights of authors? By the way, Mr. Lefebvre, I hope that your boy is doing well.

The Chair: A two-minute answer, if you please.

Mr. Jérôme Payette: I think that there are two ways of dealing with the issue of Internet service providers.

Internet service providers do extremely well from content that is protected by copyright. In my opinion, one way to require them to do their part is to have them pay a royalty. For example, there could be agreements with collective societies, including SOCAN. Those agreements would include royalties paid by Internet service providers. Because of the Copyright Act, it is possible to have Internet service providers contribute financially.

The other way of getting there is with CRTC regulations that would encourage them to pay into a fund designed to finance the creation of Canadian content. Under the Copyright Act, this would be for material that had already been broadcast, that had already been put out. This other option would be a way to create new content.

In my opinion, those two approaches would be ways to have Internet service providers make a contribution to our culture.

Mr. Pierre Nantel: Thank you.

Mr. Fortin, I know that you were getting ready to reply, but I would like to say something first.

I asked you to send us solutions, with very concrete examples, and Mr. Van Loan asked the same thing. Among other things, I am referring to the brochure for Bill C-32. I know that the Coalition pour la culture et les medias has done something. I also know that anyone who consults the long, 34-page document always finds the first page a little disconcerting. That is what I am alluding to.

Say that we are five-year-olds who understand nothing. We would tell ourselves, we would understand, that it's great that music is so accessible, that it is super cool that music is so easy to access, that everyone can listen to it. And if the artists make no money, that's life, that's progress. So let's feel free.

Go ahead, Mr. Fortin.

The Chair: You have 20 seconds left.

Mr. Luc Fortin: I will move aside for my colleague, Mr. Lefebvre.

Mr. Éric Lefebvre (Secretary-Treasurer, Guilde des musiciens et des musiciennes du Québec): I just want to point out that a study about online consumption of copyright-protected content has just been published. The study was conducted following a survey in November 2017. One figure in the study caught my attention. It seems that, in the three months preceding the survey, 32% of Internet users downloaded, read or consulted at least one musical file containing illegal content. That means that millions of files were consulted illegally.

Why is that the case? An exception in the Copyright Act protects Internet service providers. Normally, that would be a copyright infringement, called the right to authorize but which, because of the exception, does not exist. This level of protection must disappear from the Copyright Act in order to make Internet service providers accountable. They could then make a contribution in return for the benefits they derive from passing illegal content through their wiring, so to speak.

The Chair: I have to stop you there because the time is up.

Mr. Breton, the floor is yours.

Mr. Pierre Breton (Shefford, Lib.): Thank you, Madam Chair.

My thanks to our experts for being here today.

We truly do learn something new every day, thanks to the people who testify before us. The goal of these meetings, in fact, is to hear witnesses from all over the country. Thank you for being here and for sharing with us your concerns, the issues you are dealing with, and your recommendations.

I especially do not want to ask you the same questions again or have the same information going around. We have heard a lot of information since the start of the meeting. I just have one question to ask, which should avoid any repetition.

Some areas are harder for the federal government to become involved with than others in the medium or long term. This is one of those areas. Tell us what the federal government can do in the short term to improve remuneration for artists, musicians and singers all across Canada.

Each witness has one minute to answer that single question.

Why don't you start, Mr. Payette?

● (0945)

Mr. Jérôme Payette: In the short term, the answer would be to lift the CRTC's exemption for new media. The CRTC could lift it itself, but, if it doesn't, the Governor in Council has the authority, under sections 7 and 8 of the Broadcasting Act, to issue directions to the CRTC to lift the exemption for new media.

For example, they could say that the regulations apply to companies, even if the latter aren't Canadian. If they have a considerable presence in Canada, that could be enough. Their presence could be defined according to the number of contracts and visits, to the value of payments collected in Canada and to whether they collect data on Canadians. That would be used to determine that they have a considerable presence in Canada. We could then ask them to implement the major objectives of Canada's broadcasting policy.

In the short term, this could be done very quickly, since an order giving a direction is more or less two pages long.

Mr. Pierre Breton: Ms. Dupré, do you wish to answer this question?

Ms. Marie-Josée Dupré: Yes. Taking into account what Mr. Payette just said, I would say that we have to limit the exemptions in the legislation. We could limit them even more to avoid devaluing the work of content creators. It would simply be a matter of implementing minor legislative changes. It would be easy, and would allow all creators and right holders to be paid better.

If we were able to extend the length from 60 years to 70 years for sound recordings, while respecting budget constraints, without the slightest amendment, we can imagine that certain measures will be easy to enforce. They will protect our creators, and will highlight and recognize the value of their work.

Mr. Pierre Breton: Ms. McGuffin, Mr. Degiorgio, do you have anything to add?

[*English*]

Ms. Margaret McGuffin: I'll just say that there are some things going on that are already heading in the right direction. Looking at case management was announced with the IP strategy. The Copyright Board should proceed with that and proceed with the review that is being done on the Copyright Board, because it's going in the right direction. That should be finished and implemented. Also, we worked really hard with a large number of really diverse groups in the music industry to put together one set of recommendations for you. It took 18 months because we felt that each of us needed to understand the others' needs and debate those and move forward in a positive way. We have put together for you a paper that has artists, songwriters, composers, labels, and publishers along with all the regional associations in one document, so we don't need to reinvent a lot of things because they're already there for you, very clearly laid out.

Mr. Vince Degiorgio: With respect to the term extension, with what it costs my fellow publishers to even import catalogues or to constantly have these conversations with our colleagues around the world about the imbalances for us, it's the icing on the cake. It's incredibly important for our members.

[*Translation*]

Mr. Pierre Breton: Mr. Fortin, Mr. Lefebvre, do you wish to answer this question?

Mr. Luc Fortin: Our "grocery list" only has three points.

First, I agree that we must absolutely lift the exemption in the CRTC regulations that the new media benefit from. It is unjust and unfair. Everyone must be subject to the same regulations.

Second, we must extend the concept of private copying to all physical formats. I'm not just talking about CDs, but all formats that can be copied to make hard copies of works.

Third, we must remove the exemption that Internet service providers benefit from, under section 31.1 of the Copyright Act. It is also unjust and unfair.

Mr. Pierre Breton: Thank you.

[*English*]

The Chair: Thank you to all of our witnesses. I have one thing to ask Ms. McGuffin.

You referenced the Copyright Board consultations, and for us to properly receive those into evidence for ourselves, would you be able to send us the link to them? Then we would be able to have those submissions come in. That would be helpful.

Ms. Margaret McGuffin: I think that one link will have all the submissions from all 60 people who participated.

The Chair: It's just a simple link, which would help us out. Thank you for that.

● (0950)

Ms. Margaret McGuffin: Thank you.

The Chair: Thank you to all of you. We are going to suspend briefly so that we can look at Bill S-218, an act respecting Latin American heritage month. I'm going to ask people to not go too far from the table while we do that so we can get back to it quickly.

Thank you.

● (0950)

(Pause)

● (0955)

The Chair: Thank you, Peter Kent, for coming in today. Thank you for coming to present on Bill S-218, an act respecting Latin American heritage month.

Would you like to begin by making your presentation, please?

Hon. Peter Kent (Thornhill, CPC): Thank you, Chair.

I won't spend a great deal of time on this because Senator Enverga's Bill S-218 has been very well discussed in both chambers of Parliament, including in the upper house of course, where Senator Enverga tabled the bill originally and spoke to it just a month before his untimely passing while he was on parliamentary business in Colombia with ParlAmericas. Not a word of criticism has been spoken against the bill in either the upper house or the House of Commons. In fact, I was heartened, as I said, at the end of debate in the House that there was such enthusiastic and universal support for the bill, for a Latin American heritage month to be recognized, as Senator Enverga originally intended in the wake of Black History Month and in the wake of the recently passed Jewish Heritage Month, which again last night was celebrated in a very non-partisan way just up the street. All parties in the House enthusiastically participated and recognized and celebrated the contribution of the Jewish Canadian community in Canada.

This was Senator Enverga's second bill. He had a bill before the House in the last Parliament, which died at the election in 2015. For this one he reshaped it and expanded it. The original bill was called "Hispanic Heritage Month". For this one he deliberately changed the name and the characterization to Latin American heritage month. He wanted to recognize the nature of our hemisphere, not only in Central and South America but also in the Caribbean, given the centuries of shifting, government shifting, control, colonization, and independence as it came. It includes the Latin romance languages Spanish and Portuguese and also those communities and languages that have been cross-pollinated through the Caribbean and now into Canada where, in fact, through Senator Enverga's expanded vision of those touched by Latin Americans and who would celebrate Latin American heritage, we would be looking at probably well over one million Canadians, a significant number of Canadians.

Yesterday, as members from all parties know, there was non-partisan representation behind the Honourable Irwin Cotler when he presented the expert report of the Organization of American States on the findings of crimes against humanity perpetrated in Venezuela. It was the same sort of non-partisan support that we saw in the celebration of the Jewish Heritage Month last night, and, I think, the same sort of non-partisan...even at this time of the year in the parliamentary season, where unanimity could be found without some of the quibbling, some of the amendments that we see put before other committees of the House to correct perceived shortcomings or unacceptable elements.

This is a very basic bill. It's a very simple bill. It follows exactly the other heritage month bills that Parliament in its wisdom has passed over the years. I understand there is an amendment before the committee but I would respectfully ask that the amendment be withdrawn, because if this bill goes back to the House and given the possibility of prorogation during the summer, then what I think is not only a worthy piece of legislation but also a legacy piece of legislation in Senator Tobias Enverga's name would be lost forever.

With that, I'm willing to take questions.

● (1000)

The Chair: We're going to begin questions with Julie Dzerowicz, please.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Madam Chair.

I want to begin by saying a huge thank you to you, Mr. Kent, for shepherding this bill through the House of Commons. I also want to thank Senator Tobias Enverga for finding a way to *in absentia* introduce the bill that will finally get us through. I think this is about the fourth or fifth attempt, actually, through many different Parliaments. There have been a lot of attempts to try to put in a Hispanic heritage month or a Latin American heritage month, and I'm glad that we finally have managed to make it through.

Thank you so much for your leadership.

I am Hispanic Canadian—there are only two of us in the House of Commons—and I think people would be surprised. My mother's name is Maria Amparo Lizarraga Zatarain. It sounds nothing like the "Dzerowicz" that you have here. She is Mexican and was born in a small town called El Recodo, which is very well known for its bands and music. They're known all over Mexico. She came here to Canada in the late sixties or early seventies after she met my dad. She was very much part of a time when a lot of those who are now Hispanic Canadians started coming to Canada in the seventies and mostly in the eighties.

We have around half a million Latin Americans here in Canada, from over 20 countries. I only recently learned about a group called the "10 most influential Hispanic Canadians". They're an amazing group. They've been in existence for around 11 years, and they have been presenting awards and highlighting the contributions of Latin American Canadians not only to their own community but also to all Canadians and, in many cases, to the world. It's an unbelievable group. It just shows you how all the different cultures contribute to our great country. As you know, our Prime Minister always says that diversity makes us strong, and the Latin American and Hispanic communities definitely make us a stronger and better country.

In my riding, I'm very blessed to have a growing Hispanic community based on Mexicans, Ecuadorians, and Chileans. We have a number of programs that serve that community. We have a number of small businesses that are really great.

As soon as I came into office, one of the first things I did was work with Pablo Rodriguez to help start "Hispanic Day on the Hill". We wanted to make sure it was something that we were recognizing here nationally.

I note that we're starting to do a number of trade relations. Mercosur is now under way. I know that there was a lot of work done in the former administration as well to build relations with Latin American countries, and I think we're building on that great work. Right now, we have the CPTPP, which includes Peru, Chile, and Mexico. We have a Canada-Chile agreement, and now we're working on Mercosur. A lot of really great things are happening.

I have a question for you, Mr. Kent. It's quite interesting.... I've had a number of people come to me and ask, "Why is it called Latin American heritage month versus Hispanic heritage month?" I wonder if you could comment on that a bit. Whether it's important or not important, it is something that's an issue within the community. I'm sure you've heard about it as well.

The second thing is that one of the things that's really beautiful to learn.... I think that to a certain extent these Hispanic heritage months are actually a way for Latin American and Hispanic Canadians to learn about each other. Could you comment on that as well?

Hon. Peter Kent: Yes, absolutely.

Thank you for your remarks. I was very impressed by your fluency in Spanish during debate.

I have been to those awards ceremonies on a number of occasions. It is truly impressive to see the recognition of Latin American contributions to medicine, science, the arts, and culture generally in Canada.

With regard to the discussion that took place with previous bills—certainly with Senator Enverga's first bill and then this incarnation, Bill S-218—he, as you know, was a Filipino Canadian. Spanish was one of the colonial languages, and it's a language that is still used, celebrated, and marked. Some of the most important religious locations for Filipinos, including Filipino Canadians, are actually in Mexico. There's a cathedral in Mexico to which Filipino Canadians and Filipinos from around the world make regular missions to see a painting of the Madonna.

Senator Enverga, in choosing the words "Latin American" rather than the narrower "Hispanic" definition, wanted to speak to all of those people who have been touched by the Spanish language and did not want to exclude the Portuguese language. As I said—

● (1005)

The Chair: I'm very sorry. I have to jump in for a second. The 30-minute bells are ringing for a vote.

Hon. Peter Kent: Oh, gracious.

The Chair: I'm trying to figure out the best way to do this. If we have unanimous consent, we can....

There are two ways we can do it. We can allow for more questions, or if we want to try to move quickly to clause-by-clause, we can see if we can get this done in 10 minutes. It is a short bill.

I'm putting this to you. I'm just trying to think of the best way to go about this.

Hon. Peter Van Loan: If there is unanimous consent to adopt the bill as passed at second reading, I would agree to do that now. Otherwise, I think we have to go to the vote.

Ms. Julie Dzerowicz: How many minutes do we have now?

Hon. Peter Van Loan: It's a 30-minute bell.

The Chair: We have 28 minutes and 50 seconds.

Ms. Julie Dzerowicz: Yes.

Could we just have Mr. Kent finish his answer? I don't mind entertaining Mr. Van Loan's...in terms of just en masse agreeing, but I'd prefer to hear the response to the questions first.

That would give us about 10 minutes to be able to do all of that.

Hon. Peter Van Loan: I'm willing to further agree to questions in exchange for that motion. What I'm saying is that if it's not going to be adopted, I wouldn't want us to have the opportunity to ask questions.

The Chair: Do I have consent for Mr. Van Loan's proposal with regard to adopting the bill as is? That would mean withdrawing the amendment that's on the table.

Mr. Hébert.

Mr. Richard Hébert: Are we just talking about the amendment?

[*Translation*]

The Chair: I'm only asking if you are ready to withdraw the amendment and pass the bill as it is written, without amendment.

Mr. Richard Hébert: Madam Chair, if I may, I would like to add something.

Earlier, I spoke with Mr. Van Loan. As I read Bill S-218, I noticed slight differences in the meanings of certain words, and I carefully listened to Mr. Kent.

There are differences between languages. For example, in Brazil, they say *café com leite*, but they say *café con leche* in Spain.

Here is a specific example from the bill, a slight difference I wanted to point out: In English, the bill says "would be mobilized", whereas in French, it says "se mobiliseraient".

The Chair: Okay.

[*English*]

I just want to know if you are prepared not to go ahead with that amendment. If you're willing to accept Mr. Van Loan's proposal that we withdraw the amendment and accept the bill as is, we could, in less than 10 minutes, get this bill through. I'm asking if I have consent from everyone to do that.

Ms. Julie Dzerowicz: As I said, I'm okay with that. As long as we can finish the answer to my questions, then I'm fine.

Hon. Peter Van Loan: Is that agreed?

The Chair: Is that all agreed, that we give Mr. Kent...?

Some hon. members: Agreed.

The Chair: Truthfully, you had only half a minute to finish your answer.

Hon. Peter Kent: Thank you.

I'd like to acknowledge the willingness and the non-partisan sentiment around this table to get this bill passed.

Just to conclude that remark, I think Senator Enverga intended this to be a broader, more inclusive bill by the "Latin American" designation, to bring in not only Filipino Canadians but those who had been touched in previous centuries across the Caribbean, as well as in Central and South America, by the Spanish language and the Portuguese language.

The Chair: We will go directly to clause-by-clause.

Shall clause 2 carry?

(Clause 2 agreed to)

The Chair: Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

An hon. member: I move that we adjourn.

● (1010)

The Chair: Okay.

Thank you very much.

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